IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8410 of 2005

Between:

1 K. Ramesh, S/o. K.G. Damodaram,

r/o. TS No. 6, Block-L, Ward No. 3, Singamala Street, Door

No. 4/141, Tirumala, Chittoor District.

2 K. Ramadevi, W/o. K. Raghunath,

r/o. TS No. 6, Block-L, Ward No. 3, Singamala Street, Door

No. 4/142, Tirumala, Chittoor District.

3 K. Diwakar, S/o. K.G. Damodaram,

r/o. TS No. 6, Block-L, Ward No. 3, Singamala Street, Door

No. 4/143, Tirumala, Chittoor District.

4 Y. Lakshmi, W/o. Y.B.A.P.Prasad,

r/o. TS No. 6, Block-L, Ward No. 3, Singamala Street, Door

No. 4/141, Tirumala, Chittoor District.

5 K. Leena, D/o. K. Diwakar,

r/o. TS No. 6, Block-L, Ward No. 3, Singamala Street, Door

No. 4/144-A, Tirumala, Chittoor District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep by its Principle Secretary, Revenue (Endts-III) Department, Secretariat Buildings, Hyderabad.
2 The Special Deputy Collector (Land Acquisition) TTD, Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus declaring the declarant published by the respondents Under Section 6 of the L.A. Act, 1894 in "The New Indian Express" New English paper in respect of premises bearing Door No. 4/141, 4/142, 4/143, 4/144 and 4/144-

A, Singamala Street, Tirumala, in T.S. NO. 13/7, Block-L Ward No. 3 as illegal mala fide and void and consequently restrain the respondent from taking any action pursuant thereto including dispossession of the petitioner from the above premises and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.BOBBA VIJAYALAKSHMI

Counsel for the Respondent: GP FOR LAND ACQUISITION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 9020 of 2005

Between:

Kopparla Charitable Trust, rep. by its Managing Trustee, Sri K.G. Damodaram, S/o. Govinda Swamy, Door No.4/141 to 4/144A, Singamala Street, Tirumala, chittoor District.

..... PETITIONER

AND

1 Government of A.P., rep. by its Principle Secretary, Revenue

(Endts-III) Department, Secretarait, Hyderabad.
2 The Special Deputy Collector, (Land Acquisition), T.T.D. Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring that the declaration published by the respondents under Sec. 6 of Land Acquisition Act, 1894 in the Andhra Jyothi, a Telugu Daily News Paper, in respect of premises bearing door Nos. 4/141, 4/142, 4/143, 4/144 and 4/144 A in 'TS No. 13, Block L. Ward 3, situated at Singamala Street, Tirumala, Chittoor District, as illegal mala fide, void and consequently restrain the respondents from taking any action pursuant thereto, including dispossession of the petitioners from the above said premises and pass such other order or orders.

Counsel for the Petitioner:SMT.BOBBA VIJAYALAKSHMI

Counsel for the Respondent : GP FOR LAND ACQUISITION FOR RM - APP- 1 & 2

The Court made the following :

COMMON ORDER:

When WPMPs and WVMPs came up for consideration, both the parties consented for disposal of these two writ petitions and thus writ petitions are taken up for hearing and being disposed of by this common order in W.P.Nos.9020 of 2005 and 8410 of 2005.

2 . The petitioners questioned the declaration published by the 1st respondent-Principal Secretary, Government of Andhra Pradesh, Revenue (Endts-III) Department, Hyderabad, under Section 6 of the land Acquisition Act, 1894 (for brevity 'the Act, 1894'). Kopparla Laxmi Charitable Trust, represented by its Managing Trustee is the petitioner in W.P.No.9020 of 2005 and K.Ramesh and others are the writ petitioners in W.P.No.8410 of 2005. A notification dated 7-4-2004 under Section 4 (1) of the Act proposing to acquiring the properties of the writ petitioners and others for implementation of master plan. During the enquiry under Section 5-A of the Act, 1894, the petitioners and others submitted their objections on 05-05-2004 stating that the extents mentioned in notification under Section 4 (1) of the Act, 1894, are not correct and the total extent of the properties proposed for acquisition is not correct.

3. The main contention of the counsel for the petitioners is that since a notification under section 4(1) of the Act shows that the properties mentioned therein are

proposed to be acquired for implementation of Master Plan, and since the notification under section 6 of the Act, impugned in these petitions states that the acquisition is for West Mada Street, implementation of `Master Plan etc., and since the earlier notice issued to the petitioners under section 5-A of the Act it is state that the purpose of acquisition of the petitioners' property is for Maha Prakaram and widening of T.K.Street, which is far away from the properties of the petitioners, and since construction of Maha Prakaram is doubtful, in view of the pendency of the public interest litigation writ petitions before a Division Bench of this Court, it is easy to see that the proceedings to acquire the property of the petitioners are not bonafide and that petitioners are targeted to be thrown out of that place, as the property immediately next to the property of the petitioner, in the same street, belonging to Karnataka government is not touched for the alleged road widening of the West Mada Street. It is the further contention of the counsel for the petitioners that since first respondent was placed in charge of the office of the Estate Officer of Tirumala Tirupathi Devasthanams (T.T.D.), the beneficiary, his report to the Government is but a biased report, and so the notification issued on such biased report is liable to be quashed.

4. The other problem is that the acquisition is not for public purpose. Similar grounds have been taken for some other parties whose properties have been acquired under the same notification vide judgment of this court in W.P.No.14833 of 2004, dated 5.5.2005 (K.Valli Kumari v. Special Deputy Collector (LA), T.T.D., Tirupathi) under section 6(1) of the Act. Learned counsel for the petitioners does not dispute the fact that the issues involved in these writ petitions and the issues involved in W.P.No.14833 of 2004 are one and the same. Similar contentions raised by the writ petitioners therein have been negatived and thereby upholding the draft declaration issued under section 6(1) of the Act.

5. Therefore, these writ petitions are dismissed.
No costs.

21st June, 2005.

mrb

To

1. The Principle Secretary, Government of Andhra Pradesh, Revenue (Endts-III) Department, Secretariat Buildings, Hyderabad.
2 . The Special Deputy Collector (Land Acquisition) TTD, Tirupati, Chittoor District.

3. Two CC to GP for Land Acquisition, High Court Buildings, Hyderbad(OUT)

4. Two CD copies.

5. One CC to SMT.BOBBA VIJAYALAKSHMI